

EXHIBIT 5

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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CHASOM BROWN; MARIA NGUYEN;
WILLIAM BYATT; JEREMY DAVIS;
and CHRISTOPHER CASTILLO,
individually and on behalf
of all other similarly
situated,

Plaintiffs,
vs.

No. 5:20-cv-03664-LHK

GOOGLE LLC,

Defendant.

/

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REMOTE VIDEOTAPED DEPOSITION OF SAMMIT ADHYA

WITNESS LOCATION: SAN JOSE, CALIFORNIA

FRIDAY, NOVEMBER 19, 2021

Stenographically Reported by:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

California CSR No. 9830

Job No. 765904

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Page 2

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 CHASOM BROWN; MARIA NGUYEN;
6 WILLIAM BYATT; JEREMY DAVIS;
6 and CHRISTOPHER CASTILLO,
7 individually and on behalf
7 of all other similarly
situuated,

8

9 Plaintiffs,
vs.

No. 5:20-cv-03664-LHK

10 GOOGLE LLC,

11 Defendant.

/

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14 REMOTE VIDEOTAPED DEPOSITION OF SAMMIT ADHYA,
15 taken on behalf of the Plaintiffs, on Friday,
16 November 19, 2021, beginning at 9:08 a.m., and
17 ending at 5:38 p.m., Pursuant to Notice, and
18 remotely before me, ANDREA M. IGNACIO, CSR, RPR,
19 CRR, CLR ~ License No. 9830.

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Page 3

1 R E M O T E A P P E A R A N C E S :

2

3

4 COUNSEL FOR THE PLAINTIFFS:

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6 By: BEKO REBLITZ-RICHARDSON, ESQ.

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Page 4

1 R O M O T E A P P E A R A N C E S: (Cont.)

2

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4 COUNSEL FOR THE DEFENDANT:

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11

12 ALSO PRESENT: Matthew Gubiotti, Google

13 Evan Tsilimidos, Videographer

14 Vanessa Wheeler, Exhibit Technician

15

16 -----oOo-----

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CONFIDENTIAL

Page 5

1 INDEX OF EXAMINATION

2

3 WITNESS: Sammit Adhya

4

5 EXAMINATION

PAGE

6 By Mr. McGee

9

7

8 INDEX OF DEPOSITION EXHIBITS

9 EXHIBIT

PAGE

10	Exhibit 1	Sammit Adhya PM Transfer Candidate	32
11		Bates GOOG-BRWN-00540053 - '61	
12	Exhibit 2	Document Bates GOOG-BRWN-00561420	42
13	Exhibit 3	12-22-18 E-mail Re: End of the	48
14		Year Update on the Unauth	
15		Workstream, Bates	
16		GOOG-CABR-03689232 - '233	
17	Exhibit 4	5-3-19 E-mail Re: Incognito	62
18		Questio... I think the product	
19		meta question is..., Bates	
20		GOOG-BRWN-00611987	
21	Exhibit 5	Incognito Strategy and Creative	67
22		Brief August 2019, Bates	
23		GOOG-BRWN-00569625 - '632	
24	//		
25	//		

CONFIDENTIAL

Page 6

1	INDEX OF DEPOSITION EXHIBITS	
2	EXHIBIT	PAGE
3	Exhibit 6 8-13-19 E-mail Re: Chrome/Sin 4 Rastro options, Bates 5 GOOG-BRWN-00700255 - '56	87
6	Exhibit 7 8-20-19 E-mail Re: Chrome/Sin 7 Rast, Bates GOOG-BRWN-00700347 8 - '48	105
9	Exhibit 8 Incognito Google-wide Summary 10 BATES GOOG-BRWN-00567843 - '50	111
11	Exhibit 9 2-14-20 Chat Message, Bates 12 GOOG-BRWN-00177302 - '306	119
13	Exhibit 10 2-14-20 E-mail Re: Proposal under 14 Martin to check with sthamilton, 15 Bates GOOG-BRWN-00441285 - '86	125
16	Exhibit 11 6-18-20 Chat Message, Bates 17 GOOG-BRWN-00176724 - '726	137
18	Exhibit 12 6-28-20 E-mail Re: Reuters: 19 Inaccurate YouTube Incognito 20 press, Bates GOOG-BRWN-00176684 21 - '85	143
22	Exhibit 13 2-15-20 E-mail Re: Summary of 23 Sin Rastro meeting with Chrome 24 leads and next steps, Bates 25 GOOG-BRWN-00177296 - '298	150

CONFIDENTIAL

Page 7

1	INDEX OF DEPOSITION EXHIBITS		
2	EXHIBIT	PAGE	
3	Exhibit 14	8-7-19 E-mail Re: SinRastro/Chrome	154
4		Bates GOOG-BRWN-00503271 - '277	
5	Exhibit 15	7-22-20 Chat Message, Bates	157
6		GOOG-BRWN-00176477 - '80	
7	Exhibit 16	Sammit/Saud Bates	164
8		GOOG-BRWN-00564810 - '17	
9	Exhibit 17	7-29-20 Notes, Bates	175
10		GOOG-BRWN-00536956	
11	Exhibit 18	Meeting Notes: Incognito Next	182
12		Steps, Bates GOOG-BRWN-00165567	
13	Exhibit 19	7-22-20 Chat Message, Bates	184
14		GOOG-BRWN-00176481	
15	Exhibit 20	5-19-20 Chat Message, Bates	190
16		GOOG-BRWN-00176937 - '44	
17	Exhibit 21	3-22-19 E-mail Re: [REDACTED] Weekly	202
18		Update, Bates GOOG-BRWN-00178120	
19		- '122	
20		---oOo---	
21			
22			
23			
24			
25			

CONFIDENTIAL

	Page 155	
1	MR. MCGEE: Q. And I want to -- Mr. Adhya,	02:56:44
2	when you get the document, I just want to draw your	02:56:46
3	attention to the fourth page that's going to have	02:56:47
4	Bates label '274.	02:56:51
5	A Okay. I have the document.	02:57:08
6	Q Okay. And again on the fourth page, '2774,	02:57:09
7	there's a message to you in -- an July 30, 2019, at	02:57:13
8	6:25 a.m. And that third bullet point:	02:57:19
9	"Therefore, instead of the expected result of	02:57:30
10	'Going to Incognito mode stops Google logging in all	02:57:34
11	products', we would have 'Users have a way to set up	02:57:37
12	Incognito to tell Google to stop logging for all	02:57:45
13	products."	02:57:48
14	Do you have any independent recollection of	02:57:50
15	your discussions with Mr. Halavati about the substance	02:57:51
16	of that quote?	02:57:55
17	MS. JENKINS: Objection.	02:57:58
18	To the extent you need to review part of the	02:57:59
19	document to respond, please do so.	02:58:01
20	MR. MCGEE: Q. Mr. Adhya, I'm just asking	02:58:03
21	you about this very specific quote.	02:58:05
22	Do you currently have any independent	02:58:08
23	recollection about the substance of what you were	02:58:09
24	discussing with Mr. Halavati?	02:58:13
25	A I just wanted to make sure -- like this is a	02:58:23

CONFIDENTIAL

	Page 156
1 long e-mail thread.	02:58:26
2 Q Right. I know it is, but I'm just asking	02:58:28
3 about this very specific part, about the proposed	02:58:29
4 change about, quote:	02:58:34
5 "Going into Incognito mode stops Google	02:58:35
6 logging in all products," end quote. To, quote,	02:58:38
7 "Users have a way to set up Incognito to tell Google	02:58:42
8 to stop logging for all product."	02:58:45
9 Do you have any independent recollection of	02:58:48
10 that discussion with Mr. Halavati?	02:58:49
11 A I don't. I'd have to read the e-mail and see	02:58:56
12 if I can remember any of the context here, but I don't	02:58:59
13 remember this specifically.	02:59:02
14 Q Do you have any understanding about what	02:59:03
15 Sundar may or may not have promised related to that	02:59:08
16 quote?	02:59:14
17 A I don't.	02:59:16
18 MS. JENKINS: Objection; vague.	02:59:16
19 MR. MCGEE: Q. And Sundar in that would be	02:59:18
20 Mr. Pichai; correct?	02:59:19
21 MS. JENKINS: Objection; calls for	02:59:21
22 speculation.	02:59:25
23 THE WITNESS: I don't know.	02:59:25
24 MR. MCGEE: Okay. And we'll mark as	02:59:34
25 Exhibit 15 GOOG-BRWN-00176477.	02:59:38

CONFIDENTIAL

		Page 157
1	(Document remotely marked Exhibit 15	02:59:42
2	for identification.)	03:00:21
3	MR. MCGEE: Q. Mr. Adhya, please take a	03:00:21
4	moment to review this document, and let me know when	03:00:23
5	you've had a chance to review it.	03:00:25
6	A Okay. Thank you.	03:00:27
7	Okay. I've had a chance to review.	03:02:46
8	Q Okay. And if you look at the top of the	03:02:47
9	second page that has the Bates label '478, there's a	03:02:49
10	message from Greg Fair at 14:07:01. It says:	03:02:55
11	"Slide 9? The "Google wants to track	03:03:05
12	you" message will have too much negative impact	03:03:09
13	on user trust."	03:03:09
14	Do you agree with that statement, that Google	03:03:16
15	informing users it wants to track them will have	03:03:19
16	too much negative impact on their trust?	03:03:22
17	MS. JENKINS: Objection; vague; lacks	03:03:25
18	foundation.	03:03:34
19	THE WITNESS: I don't agree with that.	03:03:39
20	MR. MCGEE: Q. Why not?	03:03:40
21	A I don't have the full context. I don't	03:03:57
22	remember the full context of this conversation. But I	03:03:58
23	think this is talking about some changes related to	03:04:01
24	iOS 14 and requirements from Apple on somehow the --	03:04:07
25	on somehow the -- how these things work.	03:04:16

CONFIDENTIAL

Page 217

1 CERTIFICATE OF STENOGRAPHER

2

3 I, ANDREA M. IGNACIO, hereby certify that the
4 witness in the foregoing remote deposition was by me
5 remotely sworn to tell the truth, the whole truth, and
6 nothing but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand by
8 me, a disinterested person, remotely at the time stated,
9 and that the testimony of the said witness was
10 thereafter reduced to typewriting, by computer, under my
11 direction and supervision;

12 That before completion of the deposition,
13 review of the transcript [x] was [] was not requested.
14 If requested, any changes made by the deponent (and
15 provided to the reporter) during the period allowed are
16 appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the said
19 deposition, nor in any way interested in the event of
20 this cause, and that I am not related to any of the
21 parties thereto.

22 Dated:

23 Andrea M. Ignacio

24 ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830

25